

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-8
AGENDA DATE: Thu 03/02/2006
PAGE: 1 of 1**

SUBJECT: C14-05-0085 - POWERS 20 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11520 North IH-35 Service Road Southbound (Walnut Creek Watershed) from general office (GO) district zoning to community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Frank Alattar/Fred Powers. Agent: Fred Powers. City Staff: Jorge E. Rousselin, 974-2975.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING REVIEW SHEET**CASE:** C14-05-0085**Z.A.P. DATE:** November 15, 2005**ADDRESS:** 11520 North IH-35 Service Road South Bound**OWNER:** Frank Alattar / Fred Powers**AGENT:** Fred Powers**REZONING FROM:** GO (General Office) district**TO:** GR (Community Commercial) district**AREA:** 1.650 Acres**SUMMARY ZAP RECOMMENDATION:**

November 15, 2005:

APPROVED LR-CO DISTRICT ZONING WITH CONDITIONS OF:

- 2000 VEHICLE TRIP LIMIT;
 - PROHIBIT DRIVE-THRU USES;
 - PROHIBIT SERVICE STATIONS;
 - INCLUDE STAFF'S PROHIBITED USES LIST
- [M.H; J.P 2ND] (7-0) J.M; J.G – ABSENT

Prohibited uses:

- | | |
|-------------------------------------|--|
| ▪ College and university facilities | ▪ Hospital services (limited) |
| ▪ Community recreation (private) | ▪ Off-site accessory parking |
| ▪ Community recreation (public) | ▪ Printing and publishing |
| ▪ Congregate living | ▪ Private secondary educational facilities |
| ▪ Consumer repair services | ▪ Residential treatment |
| ▪ Financial services | |
| ▪ Guidance services | |

SUMMARY STAFF RECOMMENDATION:

Staff recommends community commercial – conditional overlay (GR-CO) combining district zoning. The conditional overlay will limit vehicle trips to 2,000 per day and prohibit the following uses:

- | | |
|-------------------------------------|----------------------------------|
| ▪ Automotive repair services | ▪ Indoor entertainment |
| ▪ Automotive sales | ▪ Indoor sports and recreation |
| ▪ Automotive washing (of any type) | ▪ Off-site accessory parking |
| ▪ Business or trade school | ▪ Outdoor sports and recreation |
| ▪ Commercial off-street parking | ▪ Pawn shop services |
| ▪ Consumer repair services | ▪ Theater |
| ▪ Exterminating services | ▪ Community recreation (private) |
| ▪ Financial services | ▪ Community recreation (public) |
| ▪ Funeral services | ▪ Congregate living |
| ▪ General retail services (general) | ▪ Guidance services |
| ▪ Hotel-motel | ▪ Hospital services (limited) |

- Private secondary educational facilities
- Residential treatment
- Bail bond services
- Printing and publishing
- College and university facilities

The Staff recommendation is based on the following considerations:

- 1.) The proposed commercial zoning classification is compatible with existing commercial uses along the frontage of IH-35;
- 2.) The site will be accessed along the frontage road IH-35;
- 3.) Prohibition of adverse land uses incompatible with residential uses is recommended;
- 4.) The site will be subject to compatibility standards along the western property line abutting residential (SF-1) development; and
- 5.) Zoning consistency of GR-zoned properties abutting residential developments along IH-35.

ISSUES:

The applicant wishes to rezone the property to GR for the purpose of constructing a hotel-motel or a vehicle sales facility. Although at a higher elevation, the site is abutting residential development to the west and next to an existing motel to the south.

DEPARTMENT COMMENTS:

The subject rezoning area is a 1.650 acre site fronting IH-35 Service Road zoned GO. The applicant proposes to rezone the property to community commercial (GR) district to allow for a hotel-motel or a vehicle sales facility. Access is proposed off the IH-35 Service Road. An existing driveway grants access to the service road. The site is abutting an existing motel to the south and a vacant car sales facility to the north.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO	Undeveloped land
<i>North</i>	LR	Vacant car sales facility / Home sales
<i>South</i>	GO	Motel
<i>East</i>	N/A	Interstate 35
<i>West</i>	SF-1	Single family residences

AREA STUDY: N/A

TIA: Waived; See Transportation Comments

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

64--River Oaks Lakes Estates Neighborhood
 85--Walnut Creek Neighborhood Assn., Inc.
 114--North Growth Corridor Alliance
 480--Scofield Farms Residents Assn.
 511--Austin Neighborhoods Council
 742--Austin Independent School District
 937--Taking Action Inc.

SCHOOLS:

Austin Independent School District

- Walnut Creek Elementary School
- Dobie Middle School
- Lanier High School

RELATED CASES:

The subject property along with 285.73 acres were annexed into the city limits on December 31, 2000 (C7A-00-003) under Ordinance 001107-51.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-98-0149	LO to GR	Approved GR-CO. The CO prohibited several uses and limited the property to LO development regulations (Vote: 6-0). 10/27/98.	Withdrawn before being considered by Council on 12/10/98
C14-02-0075	SF-1 to SF-3	Approved SF-3-CO. The CO limits the property to one duplex (Vote: 5-2). 7/23/02	Denied SF-3-CO (Vote: 5-2). 1/16/03.
C14-04-0174	LO to GR	Approved community commercial – conditional overlay (GR-CO) combining district zoning. The conditional overlay limits trips to 2,000 per day and limits the site to automotive rentals only and all limited office (LO) district zoning uses 12/07/04. (Vote: 8-0, C. Hammond – ineligible to vote)	Approved community commercial – conditional overlay (GR-CO) combining district zoning. The conditional overlay limits trips to 2,000 per day and limits the site to automotive rentals only and prohibit the following uses: <ul style="list-style-type: none"> ▪ Automotive repair services ▪ Automotive sales ▪ Automotive washing (of any type) ▪ Business or trade school ▪ Commercial off-street

			<p>parking</p> <ul style="list-style-type: none"> ▪ Consumer repair services ▪ Exterminating services ▪ Financial services ▪ Funeral services ▪ General retail services (general) ▪ Hotel-motel ▪ Indoor entertainment ▪ Indoor sports and recreation ▪ Off-site accessory parking ▪ Outdoor sports and recreation ▪ Pawn shop services ▪ Theater ▪ Community recreation (private) ▪ Community recreation (public) ▪ Congregate living ▪ Guidance services ▪ Hospital services (limited) ▪ Private secondary educational facilities ▪ Residential treatment ▪ Bail bond services ▪ Printing and publishing ▪ College and university facilities <p>02/17/05</p>
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ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION
Covington Drive	60'	Varies	Collector
IH-35	Varies	Varies	Arterial

CITY COUNCIL DATE:

January 26, 2006
March 2, 2006

ACTION:

Applicant postponement to March 2, 2006

ORDINANCE READINGS:

1st

2nd

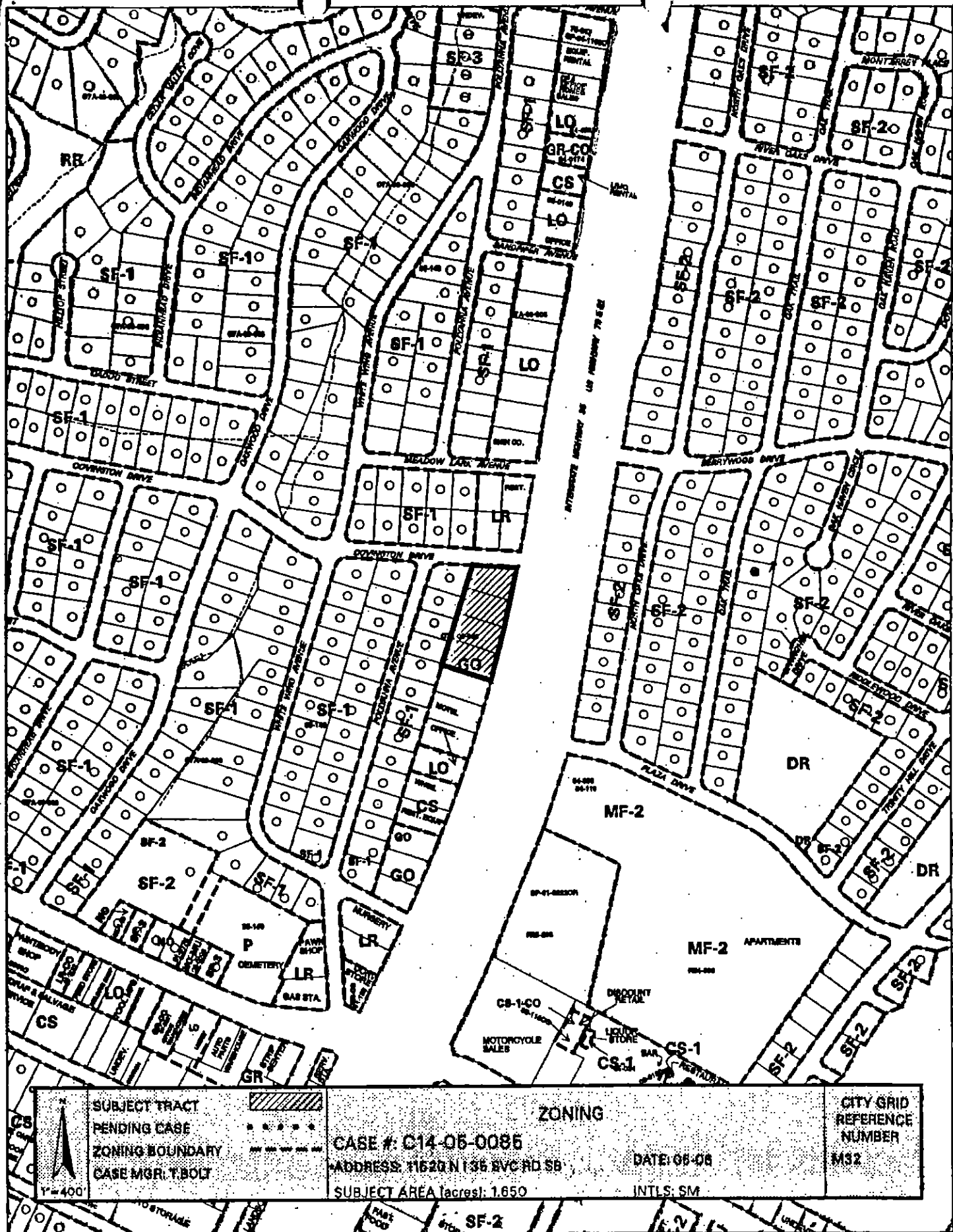
3rd

ORDINANCE NUMBER:

CASE MANAGER: Jorge E. Rousselin, NPZD

PHONE: 974-2975

E-MAIL: jorge.rousselin@ci.austin.tx.us



SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: T.BOLT

CASE #: C14-06-0086
ADDRESS: 11620 N 135 SVC RD SB
SUBJECT AREA (acres): 1.650

ZONING

DATE: 06-08

INTLS: SM

CITY GRID
REFERENCE
NUMBER
M32

STAFF RECOMMENDATION

Staff recommends community commercial – conditional overlay (GR-CO) combining district zoning. The conditional overlay will limit vehicle trips to 2,000 per day and prohibit the following uses:

- Automotive repair services
- Automotive sales
- Automotive washing (of any type)
- Business or trade school
- Commercial off-street parking
- Consumer repair services
- Exterminating services
- Financial services
- Funeral services
- General retail services (general)
- Hotel-motel
- Indoor entertainment
- Indoor sports and recreation
- Off-site accessory parking
- Outdoor sports and recreation
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- Community recreation (private)
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- Hospital services (limited)
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- College and university facilities

The Staff recommendation is based on the following considerations:

- 1.) The proposed commercial zoning classification is compatible with existing commercial uses along the frontage of IH-35;
- 2.) The site will be accessed along the frontage road IH-35;
- 3.) Prohibition of adverse land uses incompatible with residential uses is recommended;
- 4.) The site will be subject to compatibility standards along the western property line abutting residential (SF-1) development; and
- 5.) Zoning consistency of GR-zoned properties abutting residential developments along IH-35.

BASIS FOR RECOMMENDATION

The proposed zoning should be consistent with the purpose statement of the district sought.

GR – Community Commercial zoning is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major traffic ways.

Although the property meets the purpose statement set forth in the Land Development Code, it is located at the entrance to an established residential neighborhood and is abutting single family residential. Thus, Staff recommends prohibiting abutting land uses incompatible with existing residential development.

The proposed zoning should promote consistency, and orderly planning.

Other properties in the immediate vicinity are zoned commercial or used for commercial businesses. The property to the north is zoned LR and is a vacant building. The property to the south is zoned GO and is used as a motel. Given the uses in the immediate vicinity, staff believes the request to be consistent and compatible with the area while recommending prohibiting adverse uses abutting residential development. The recommendation is in accordance to City Council approval of similar GR properties in the area.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area is a 1.650 acre site fronting IH-35 Service Road zoned GO. The applicant proposes to rezone the property to community commercial (GR) district to allow for a hotel-motel or a vehicle sales facility. Access is proposed off the IH-35 Service Road. An existing driveway grants access to the service road. The site is abutting an existing motel to the south and a vacant car sales facility to the north.

Transportation

1. Additional right-of-way will be required at the time of subdivision and/or site plan.
2. The trip generation under the requested zoning is estimated to be 8,598 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).
3. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]
4. Capital Metro bus service is available along IH-35

Environmental and Impervious Cover

1. The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

2. According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.
3. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
4. At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
5. Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:
 - Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.
6. At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Water and Wastewater

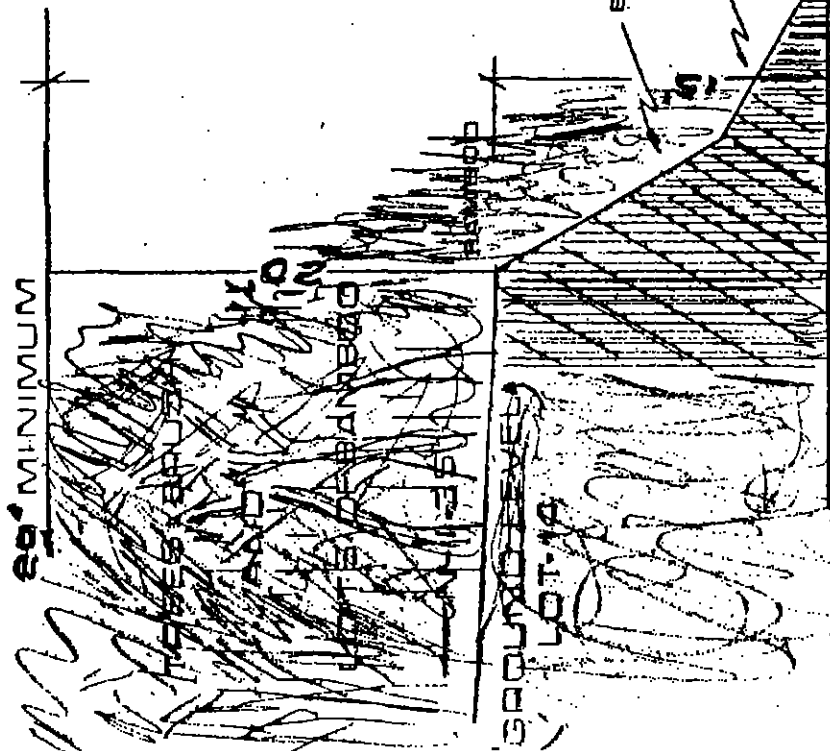
1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades to serve the site and land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria.. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated City fees.

Site Plan and Compatibility Standards

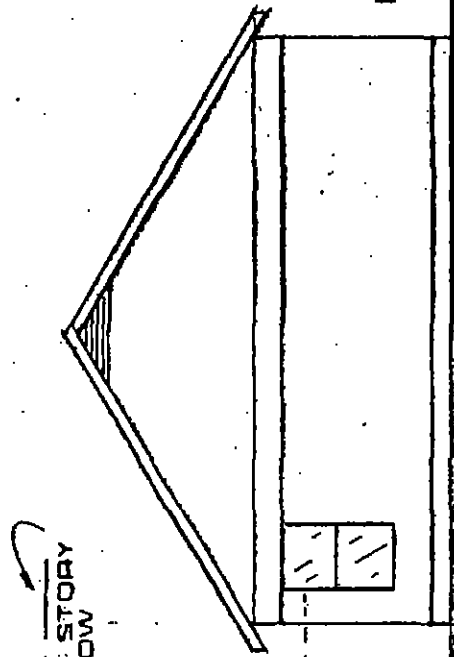
1. The site is subject to compatibility standards. Along the west property line, the following standards apply:
 - No structure may be built within 25 feet of the property line.
 - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - No parking or driveways are allowed within 25 feet of the property line.

- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

20' MINIMUM



TOP OF 2 STORY WINDOW



POLLYANNA

TYPICAL

SUBJECT PROPERTY

PRIVACY ISSUE

GR ZONING REQUEST

1-35 LOTS 1314 & 15

WALNUT FOREST

C14-05-0085

BIG INFO.
Facilities by
Samsung & >>
Dell on east
Farmer

Extensive Malls
At Farmer and N.
135 extending
All the way to
Pflugerville

2002/2003
Two new very
Large multi level
Motels between
Lamar & I-35
At Farmer

LOOP
275

From Yager La.
to walnutCreek
eight tenths of A
mile of offices,
Some multi Story
and 3 deep From
N. 135

Walnut Creek
Church
Cemetery

© Mapsco, Inc.

2003
12007 N. Lamar
212 - New 1 & 2
BR Apartments
Est. 400 Pop.

2000
260 New 1, 2,
& 3 bedroom
Apartments
Est. 650 Pop.

EXTENSIVE UTILITIES
INSTALLED (SEWER)
ABOUT 2001/2004 IN
TRACT 18.24

130000+
COMMERCIAL
BLDG. 2003
11400 N LAMAR

ECKERD DRUG
1997 11300 N
LAMAR

ALBERTSONS
BRO. 1993
11331 N LAMAR

CHINA TOWN
ONE BLOCK SOUTH
OF BRAKER LANE
NOW UNDERWAY

BRAKER LANE FROM
2 LANES TO MAJOR 4
LANES INCE 1985

EXTENSIVE SHOPPING
CTR. MOTOR CYCLES
GALORE - BRAKER &
N. I-35

C14-05-0085

POWERS

CASE FOR MOTOR HOTEL AT SITE

QUESTION - FREE ENTERPRISE AND OFFICES. THE ASSOC WANTS.

I BELIEVE THERE ARE SEVERAL GOOD REASONS TO SUPPORT THE PRESENCE OF A MOTEL ON OUR PROPERTIES. THERE ARE CLUSTERS OF MOTELS AT ABOUT EVERY MAJOR I-35 INTERSECTION. BRAKER AND NEARBY FARMER AREAS ALONG I-35 SURELY REPRESENTS ONE THE BIGGEST CONCENTRATIONS OF EMPLOYERS IN AUSTIN. THIS MUST RESULT IN NUMEROUS OUT OF TOWN PROFESSIONAL TRAVELERS. ALSO, THERE ARE MANY NEARBY APARTMENT COMPLEXES THAT DO NOT HAVE GUEST ROOMS FOR VISITING OUT OF TOWN RELATIVES OR VISITORS REF: DELL, SAMSUNG, SHOPPING CENTERS FROM FARMER TO MOPAC AND FARMER TO PFLUGERVILLE.

BETWEEN 290 & 183 AT I-35 THERE ARE APPROXIMATELY 16. HOTEL/MOTELS. IMMEDIATELY NORTH OF AND ADJACENT TO 183 ARE ABOUT 7 MORE.

AT RUNDBERG I-35 (NOT A MAJOR TRAFFIC ARTERY) THERE ARE 4 OLD STYLE MOTELS IN EARLY OR MID LIFE STAGES OF OBSOLESCENCE - (WEST SIDE OF I-35) AND ONE MODERN MOTEL ON THE EAST SIDE.

THERE IS ONE MODERN MOTEL (HOLIDAY INN EXPRESS) AT WELLS BRANCH PARKWAY - SERVING PFLUGERVILLE - PRICE PER SINGLE PER NIGHT ABOUT \$100.00 WITH ROOM TAXES.

YES - THERE IS A MARRIOTT COMPLEX AT I-35 AND FARMER.
PROBLEM: YOU CANNOT A RENT ROOM THERE. THIS COMPLEX HAS ONLY SUITES FOR EXTENDED STAYS AT ONE HUNDRED AND NINETEEN DOLLARS PLUS TAXES PER NIGHT. THE PRESENCE OF THIS COMPLEX POINTS TO AN UN FULLFILLED NICHE FOR MODERN MODEST PRICED ROOMS IN THE \$39.00 TO \$69.00 PRICE RANGE.

THERE ARE TWO SMALL MOTELS TOTALING 60 ROOMS AT OR NEAR BRAKER. THESE RENT IN THE TWENTY NINE DOLLAR A NIGHT RANGE SERVING THE MANY BLUE COLLAR WORKERS DRAWN TO ALL OF THE COMMERCIAL AND CONSTRUCTION ACTIVITY IN THE IMMEDIATE AREA. THIS TOO SHALL PASS.

YOU COULD SAY THERE'S LIMITED MOTEL FACILITIES FOR THOSE WITH TOO LITTLE MONEY AND WITH CERTAIN RESTRICTIONS, THOSE WITH TOO MUCH MONEY AND THEN THERE IS THE REST OF US. THE VAST MAJORITY WHO ARE NOT ON AN EXPENSE ACCOUNT. THERE IS A DEFINITE NEED FOR MODEST PRICED MODERN FACILITIES IN THE AREA WITH ROOMS IN THE \$49.00 TO \$69.00 PRICE RANGE.

**FAX TRANSMISSION FROM
FRED W. POWERS
2400 HARROWDEN DRIVE, AUSTIN, TEXAS 78727
PHONES 512 246 1057 FAX 512 246 8786
powers.fred@sbcglobal.net**

**JORGE ROUSSELIN
CITY OF AUSTIN**

FAX # 974 6054

SUBJECT : POSTPONEMENT OF ZONING CASE C14-05-0085

**I AM CURRENTLY SCHEDULED TO MEET CITY COUNCIL MEMBERS
ON JAN. 26TH 2006 CONCERNING REZONING OF PROPERTIES AT 11520
NORTH INTERSTATE 35 IN AUSTIN. PLEASE RESCHEDULE TO CITY
COUNCIL'S MARCH 02, 2006 MEETING. THANK YOU.**


FRED W. POWERS